THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.3563 of 2006

DATED: 04.01.2007

Between:

M.Sambasiva Rao and others.

...
Petitioners

and

1. The Malkajgiri Municipality,
   Malkajgiri, Ranga Reddy District
   Rep. by its Commissioner.

2. The Kapra Municipality,
   Kapra, Ranga Reddy District,
   Rep. by its Commissioner.

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.3563 of 2006

ORDER:

Heard the counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the action of respondent No.1 herein in not granting permission in favour of the petitioners herein, for construction of houses in their respective plots i.e. Plot Nos.11, 6A, 9A in Survey No.218/1 situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District, as illegal,

arbitrary and consequently, direct respondent No.1 herein to grant permission in favour of the petitioners herein for construction of houses on their respective plots basing upon the applications made by the petitioners herein viz., dated 2.11.2005, 14.10.2005 and 02.02.2006 respectively forthwith, and pass such other orders.

It is stated that while the petitioners were in service, they purchased house plots from the Defence Housing Cooperative Society (OR) Limited, registered under the Cooperative Societies Act, 1964, with Registration No. TB 662, situated at Defence Colony, Malkajgiri Mandal, Sainikpuri Post, Secunderabad. It is also stated that the petitioners' Society had originally acquired property situated in Survey No.218/1 of Malkajgiri, Secunderabad, and in the year 1981, Malkajgiri was upgraded as Malkajgiri Muncipality.

Several factual details are narrated in para Nos.2 to 9 of the affidavit filed in support of the Writ Petition. The main grievance of the petitioners is that though the petitioners made applications on 02.11.2005, 14.10.2005 and 02.02.2006 respectively, the respondent No.1 is not disposing of the said applications in accordance with law. It is stated that in similar facts situation, this Court made an order in detail in W.P.No.23194 of 2006, dated 24.11.2006.

In the light of the same and also in view of the facts and circumstances explained in detail, inasmuch as, it is the bounden duty of respondent No.1 to dispose of the applications of the petitioners, dated 02.11.2005, 14.10.2005 and 02.02.2006, praying for grant of permission for construction of the residential buildings on their respective plots specified in the applications, in accordance with law, and the action of respondent no.1 in keeping the said applications of the petitioners pending for a sufficient period of time, cannot be justified, and in view of the same, respondent No.1 is directed to

consider and dispose of the applications submitted by the petitioners for grant of construction of the residential buildings in their respective plots, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is allowed to the extent indicated above. No order as to costs.

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(P.S.NARAYANA,J)

04.01.2007

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